

CLOSED

**U.S. District Court  
Southern District of Florida (Miami)  
CRIMINAL DOCKET FOR CASE #: 1:22-mj-04089-LMR-1**

Case title: USA v. Easterday

Date Filed: 12/09/2022

Date Terminated: 12/13/2022

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Assigned to: Magistrate Judge Lisette M.  
Reid

**Defendant (1)**

**Isreal James Easterday**  
07750-506  
*YOB 2001 ENGLISH*  
*TERMINATED: 12/13/2022*

represented by **Frank Schwartz**  
Frank Schwartz, P.A.  
100 N. Biscayne Blvd.  
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305-379-5661  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Temporary*

**Michael Perry Mirer**  
Law Office of Michael Mirer, P.A.  
100 North Biscayne Boulevard  
Suite 1300  
Miami, FL 33132  
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*TERMINATED: 12/13/2022*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Temporary*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

WARRANT/COMPLAINT/DC/CIVIL  
DISORDER, ASSAULTING,  
RESISTING OR IMPEDING CERTAIN  
OFFICERS USING A DANGEROUS  
WEAPON OR INFLICTING BODILY  
INJURY

**Disposition****Plaintiff**

USA

represented by **Noticing AUSA CR TP/SR**  
Email: [Usafls.transferprob@usdoj.gov](mailto:Usafls.transferprob@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Page	Docket Text
12/09/2022	<u>1</u>		Magistrate Judge Removal of Complaint from District of Columbia Case number in the other District 1:22-mj-00264 as to Isreal James Easterday (1). (dgj) (Entered: 12/12/2022)
12/09/2022	<u>2</u>		<p>Minute Order for proceedings held before Magistrate Judge Lisette M. Reid: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Isreal James Easterday held on 12/9/2022. Date of Arrest or Surrender: 12/8/22. TEMP PTD ( Detention Hearing set for 12/13/2022 10:00 AM in Miami Division before MIA Duty Magistrate Judge., Removal Hearing set for 12/13/2022 10:00 AM in Miami Division before MIA Duty Magistrate Judge., Report Re: Counsel Hearing set for 12/13/2022 10:00 AM in Miami Division before MIA Duty Magistrate Judge.). Attorney added: Michael Perry Mirer, Frank Schwartz for Isreal James Easterday (Digital 14:02:50/14:14:08)</p> <p>It is ORDERED AND ADJUDGED that pursuant to the Due Process Protections Act, the Court confirms the United States obligation to disclose to the defendant all exculpatory evidence– that is, evidence that favors the defendant or casts doubt on the United States case, as required by <i>Brady v. Maryland</i>, 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. The government has a duty to disclose any evidence that goes to negating the defendants guilt, the credibility of a witness, or that would reduce a potential sentence. The defendant is entitled to this information without a request. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court. Signed by Magistrate Judge Lisette M. Reid on 12/9/2022. (dgj) (Entered: 12/12/2022)</p>

12/09/2022	<u>3</u>		NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Michael Perry Mirer appearing for Isreal James Easterday (dgj) (Entered: 12/12/2022)
12/09/2022	<u>4</u>		NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Frank Schwartz appearing for Isreal James Easterday (dgj) (Entered: 12/12/2022)
12/13/2022	<u>6</u>		WAIVER of Rule 5(c)(3)/Rule 40 Hearing by Isreal James Easterday (jbs) (Entered: 12/16/2022)
12/13/2022	<u>7</u>		COMMITMENT TO ANOTHER DISTRICT as to Isreal James Easterday. Defendant committed to District of Columbia. Closing Case for Defendant. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 12/13/2022. <i>See attached document for full details.</i> (jbs) (Entered: 12/16/2022)
12/13/2022	<u>8</u>		Minute Order for proceedings held before Magistrate Judge Alicia M. Otazo-Reyes: Detention Hearing as to Isreal James Easterday held on 12/13/2022. Witness S/A FBI Andrew Martin and Mark Detweiler sworn and testified. Bond recommendation/set: Isreal James Easterday (1) PTD. Report Re: Counsel Hearing and Status Conference Re: Removal as to Isreal James Easterday held on 12/13/2022. Defendant waived removal and ordered removed to the District of Columbia. Attorney Michael Perry Mirer terminated in case as to Isreal James Easterday. (Digital 10:11:47) Signed by Magistrate Judge Alicia M. Otazo-Reyes on 12/13/2022. (jbs) (Entered: 12/16/2022)
12/15/2022	<u>5</u>		ORDER OF DETENTION as to Isreal James Easterday. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 12/15/2022. <i>See attached document for full details.</i> (aa00) (Entered: 12/15/2022)

**22-MJ-04089-REID**FILED BY MM D.C.**Dec 9, 2022**ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - Miami**UNITED STATES DISTRICT COURT**for the  
District of Columbia

United States of America

v.

Isreal James Easterday

) Case: 1:22-mj-00264  
 ) Assigned To : Faruqui, Zia M.  
 ) Assign. Date : 12/2/2022  
 ) Description: Complaint W/ Arrest Warrant

*Defendant***ARREST WARRANT**

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) Isreal James Easterday,  
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. §§ 111(a)(1) and (b)- Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon or Inflicting Bodily Injury  
 18 U.S.C. § 231(a)(3)- Civil Disorder  
 18 U.S.C. § 1752(a)(1) and (b)(1)(A)- Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon  
 18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds  
 18 U.S.C. § 1752(a)(4)- Engaging in Physical Violence in a Restricted Building or Grounds  
 40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building

Date: 12/02/2022*Issuing Officer's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title***Return**

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
 at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

*Arresting officer's signature**Printed name and title*

## UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America  
v.Isreal James Easterday  
DOB: 3/8/2001

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Defendant(s)) **Case: 1:22-mj-00264**) **Assigned To : Faruqui, Zia M.**) **Assign. Date : 12/2/2022**) **Description: Complaint W/ Arrest Warrant**  
)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of \_\_\_\_\_ in the  
\_\_\_\_\_ in the District of Columbia, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. §§ 111(a)(1) and (b)- Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon or Inflicting Bodily Injury  
 18 U.S.C. § 231(a)(3)- Civil Disorder  
 18 U.S.C. § 1752(a)(1) and (b)(1)(A)- Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon  
 18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds  
 18 U.S.C. § 1752(a)(4)- Engaging in Physical Violence in a Restricted Building or Grounds  
 40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.*Issuing Officer's signature*Andrew Martin, Special Agent*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by telephone.Date: 12/02/2022

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*Judge's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title*

Case: 1:22-mj-00264  
Assigned To : Faruqui, Zia M.  
Assign. Date : 12/2/2022  
Description: Complaint W/ Arrest Warrant

## STATEMENT OF FACTS

I, the affiant, Andrew Martin, am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since July 2018. My duties, responsibilities, and training as a Special Agent with the FBI include investigating violations of federal law. I have been involved in the execution of search and arrest warrants. I am assigned to the FBI's Joint Terrorism Task Force (JTTF) and have experience investigating national security threats, to include international terrorism and domestic terrorism. I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

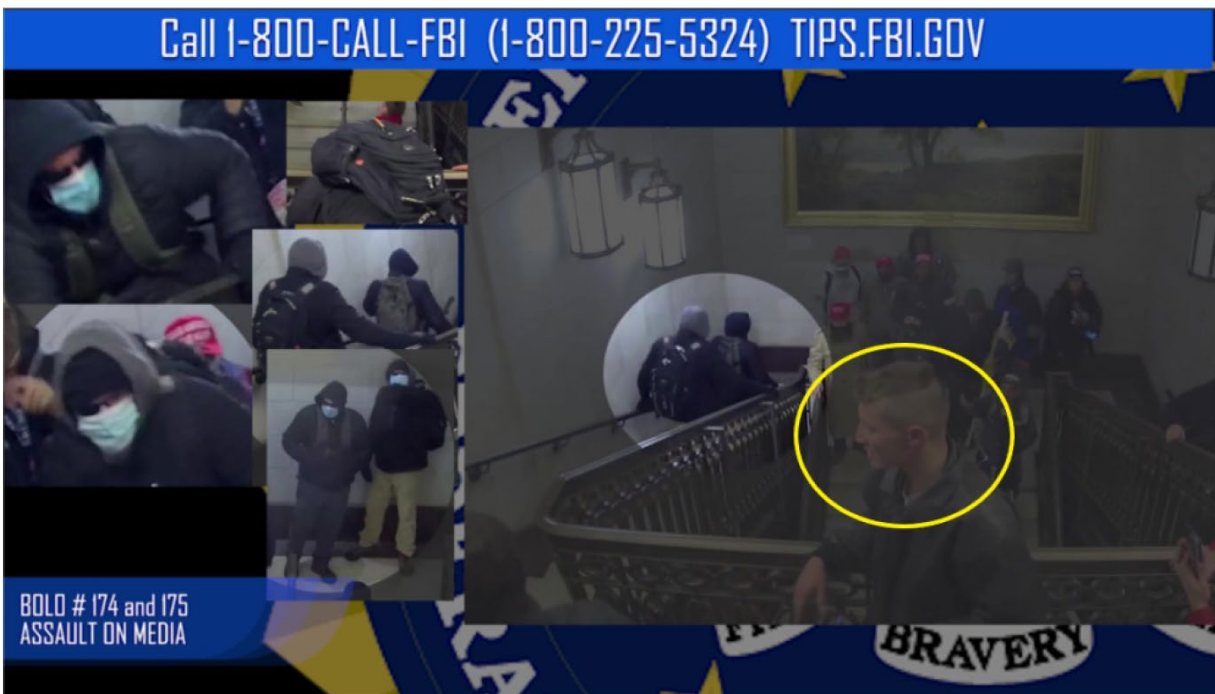
As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway, and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

### Facts Specific to this Case

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of hundreds of individuals inside the U.S. Capitol building without authority to be there, in violation of federal laws. Photographs and videos of several of these persons were disseminated via social media and other open-source online platforms and were also highlighted by the FBI on its public website as persons of interest. Those persons included a male wearing a gray t-shirt, dark brown leather jacket, and—at times—a black beanie with the logo “I ♥ TRUMP.” A FBI bulletin seeking information about this individual, among others, is shown below; in the photograph, the individual (circled in yellow) is not wearing the beanie.



*FBI BOLO 175 and 175*

Law enforcement has determined that there is probable cause to believe that this individual is ISRAEL JAMES EASTERDAY (“EASTERDAY”), based on, among other things, an identification provided by a law enforcement officer in Kentucky who has observed EASTERDAY personally and viewed photographs of the individual from the U.S. Capitol building and grounds on January 6, 2021, as described further below.

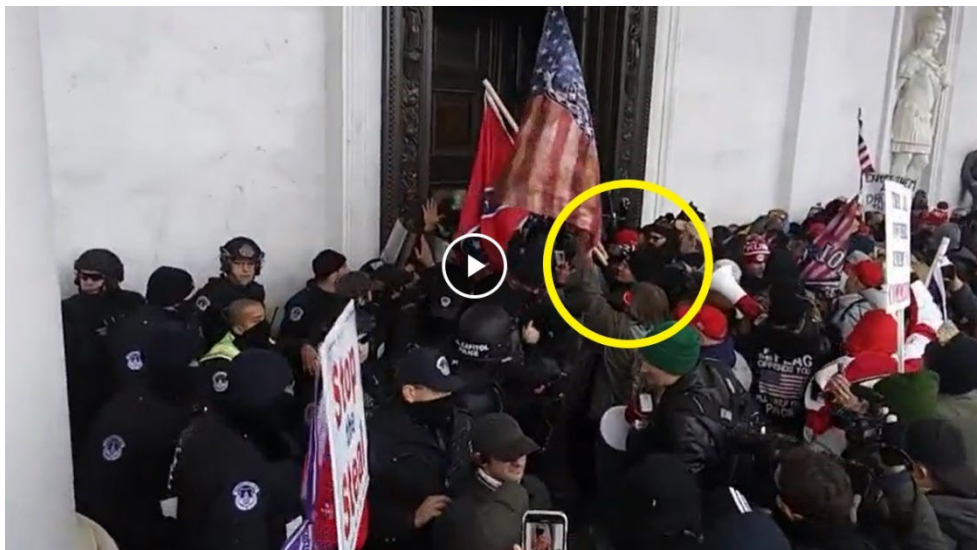
Information obtained about EASTERDAY in relation to the riot at the U.S. Capitol on January 6, 2021, includes the following: In an approximately nine minute long clip from publicly available video viewed by the affiant (“YouTube Video 1”), EASTERDAY is shown with a group of rioters outside the East Rotunda door from approximately 2:17 pm to 2:26 pm.<sup>1</sup>

<sup>1</sup> This video clip was introduced as Government Exhibit 512.01 at trial in *United States v. John Strand*, 21 Cr. 85 (D.D.C.).



YouTube Video 1 does not contain time stamps but the time in YouTube Video 1 can be approximated because it shows the breach of the East Rotunda door at the end of the clip, and I know from time-stamped CCTV video that this breach occurred at approximately 2:26 pm.

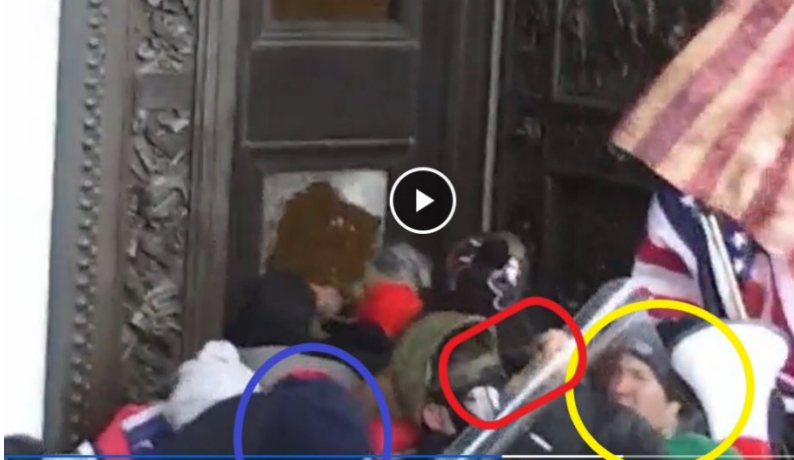
In the scene shown in YouTube Video 1, a large group of rioters were congregated outside the East Rotunda door, and some of the rioters had broken its windows using, among other things, flag poles to smash the glass. USCP Officer 1 and other police officers were trying to prevent the rioters from breaching the door and entering the Capitol Building. In a still image taken from YouTube Video 1, EASTERDAY (circled in yellow) is shown in Image 1 below wearing a black beanie, carrying a confederate flag and participating with the group of rioters trying to enter the East Rotunda door:



*Image 1*

As shown in YouTube Video 1, EASTERDAY approached a group of police officers, including USCP Officer 1, and appeared to put down the confederate flag. A moment later, EASTERDAY (circled in yellow) pointed what appears to be some sort of bottle at USCP Officer 1 (circled in blue) and sprayed him with what appears to be a chemical irritant (circled in red), as shown in Image 2 below.





*Image 2*

USCP Officer 1 has described to law enforcement, in sum and substance, that he believed he was sprayed with mace; that the irritant that sprayed him was different from the pepper spray used by the United States Capitol Police; that the irritant got in his eyes and caused him pain. Image 3 below, captured approximately two seconds after Image 2 above, shows USCP Officer 1 (circled in blue) turning away from EASTERDAY in reaction to being sprayed.



*Image 3*

USCP Officer 1 has viewed YouTube Video 1 and stated that the incident in which he recalls being assaulted with a chemical irritant by a rioter outside the East Rotunda door on January 6 is the incident shown on YouTube Video 1 described above.

Further, based on my training and experience and the experience of other officers, I know that chemical irritants such as mace, oleoresin capsicum spray (known as “OC spray”) and others, are decapacitating, and they have a high potential to negatively affect an officer’s ability to perform their official duties.

On April 21, 2022, FBI Bowling Green Resident Agency (BGRA) was notified by the FBI Washington Field Office (WFO) of a previously unidentified subject believed to be EASTERDAY. WFO believed the subject to be EASTERDAY based on, among other things, information showing that a Google account associated with EASTERDAY was located inside or near the U.S. Capitol Building on January 6, 2021. Specifically, FBI submitted EASTERDAY's identifiers to the FBI's "geofence" database, which contains data of cellular activity around the U.S. Capitol Building during the riot on January 6, 2021. The geofence database returned positive results for a Google ID number ending in 2668, and further showed that this Google ID number is associated with EASTERDAY's name and a billing address that matches the address on EASTERDAY's Kentucky driver's license. Law enforcement also compared EASTERDAY's Kentucky driver's license photo to images of EASTERDAY from the U.S. Capitol and it appears that they show the same person.

FBI used analytical tools and searched publicly available materials to obtain Images 4 and 5 below, in which the individual believed to be EASTERDAY is wearing the same hat as the individual believed to be EASTERDAY shown in the videos of January 6 and similarly holding a confederate flag:<sup>2</sup>



*Image 4*

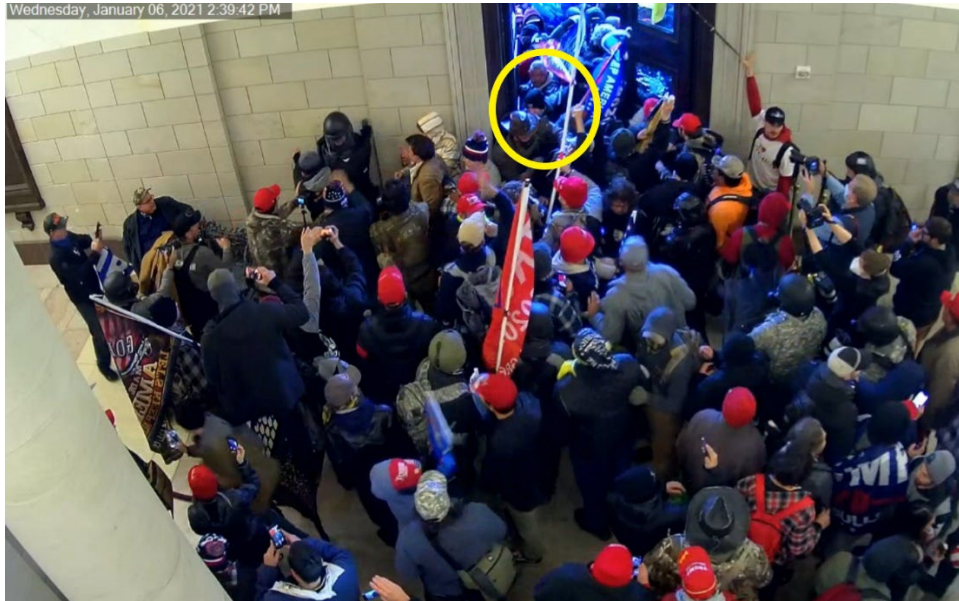


*Image 5*

FBI obtained additional photos and video that matched EASTERDAY from a database of photos and videos related to the riots that occurred at the Capitol on January 6, 2021. This information showed the individual believed to be EASTERDAY inside the U.S. Capitol among other rioters during the riot on January 6, 2021, both at times when he was wearing his black "I ❤️ TRUMP" hat and when he was not.

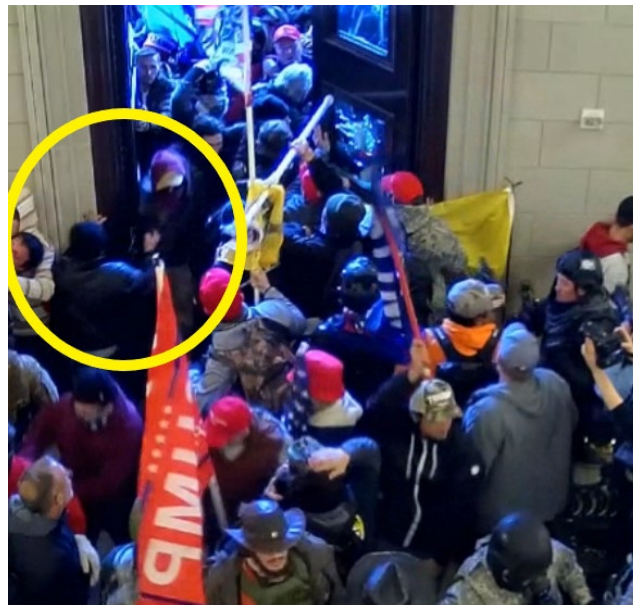
<sup>2</sup> Image 4 is an image made by magnifying the subject's face as shown in Image 5.

Images 6, 7 and 8 below are from CCTV video that identifies EASTERDAY's time and location within the Capitol. Image 6 shows EASTERDAY entering the U.S. Capitol through the East Rotunda Door at approximately 2:39 p.m., within approximately 13 minutes of the initial breach of the East Rotunda door.



*Image 6*

Image 7 shows EASTERDAY, a few seconds later, pulling other rioters into the U.S. Capitol through the door:



*Image 7*

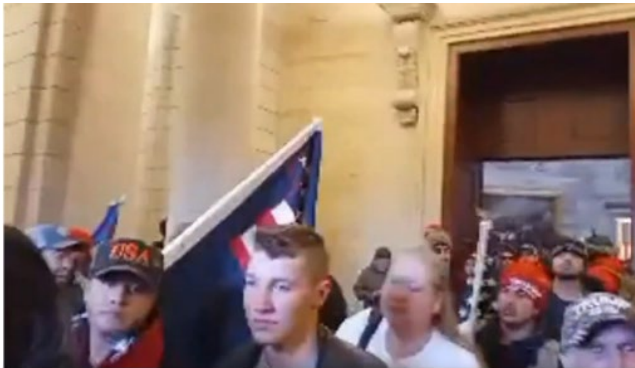


Image 8 below shows EASTERDAY a few minutes later, at approximately 2:41 p.m., entering an area of the Capitol Building known as the Gallery Stairs.



*Image 8*

Additional images show EASTERDAY both inside and outside the U.S. Capitol:



*Image 9*



*Image 10*



*Image 11*

After being in the Gallery Stairs area of the U.S. Capitol at approximately 2:42 p.m. as shown in Image 11, EASTERDAY returned downstairs to the area from which he entered. CCTV video shows EASTERDAY approaching the East Rotunda door to exit the U.S. Capitol at approximately 2:51 p.m.

On April 25, 2022, your affiant interviewed a law enforcement officer at the Hart County Sheriff's Office in Munfordville, Kentucky ("HCSO Officer 1"). Hart County, Kentucky is the county where EASTERDAY's address is listed in Kentucky Department of Motor Vehicles records. Images 4, 5, 9, 10, and 11 were presented to HCSO Officer 1 for the purpose of identification. HCSO Officer 1 was presented the photos with no name associated and asked if the individual or individuals in the photos were known to the officer. HCSO Officer 1 immediately identified EASTERDAY as the subject in all photos. HCSO Officer 1 informed your affiant that he or she is personally familiar with EASTERDAY.

Based on the foregoing, I submit that there is probable cause to believe that EASTERDAY violated 18 U.S.C. §§ 111(a)(1), (b), and 2, which make it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with certain designated individuals, and to use a deadly or dangerous weapon or inflict bodily injury during the commission of such acts, or to aid, abet, counsel, command, induce, or procure the commission of such offenses. Within the meaning of this statute, a designated individual is an officer or employee of the United States or of any agency in a branch of the United States Government (including any member of the uniformed services), while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer in the performance of official duties or on account of that assistance.

I submit that there is also probable cause to believe that EASTERDAY violated 18 U.S.C. §§ 231(a)(3) and 2, which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the

movement of any article or commodity in commerce or the conduct or performance of any federally protected function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

I further submit that there is probable cause to believe that EASTERDAY violated 18 U.S.C. §§ 1752(a)(1), (2), and (4), (b)(1)(A), and 2, which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so; (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempt or conspire to do so; and (b)(1)(A) to commit any of the aforementioned offenses with a deadly or dangerous weapon or firearm; or to aid, abet, counsel, command, induce, or procure the commission of such offenses. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Finally, I submit that there also is probable cause to believe that EASTERDAY violated 40 U.S.C. §§ 5104(e)(2)(D) and (F), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (F) engage in any act of physical violence in the Grounds or any of the Capitol Buildings.



Special Agent Andrew Martin  
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of December 2022.

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THE HONORABLE ZIA M. FARUQUI  
U.S. MAGISTRATE JUDGE



## MINUTE ORDER

Page 2

## Magistrate Judge Lisette Marie Reid

Atkins Building Courthouse - 3rd Floor

Date: 12/9/2022 Time: 2:00 p.m.

Defendant: ISREAL JAMES EASTERDAY J#: 07750-506 Case #: 22-MJ-04089-REID

AUSA: Monica Castro Attorney: Michael Micer & Frank Schwirtz-TompViolation: DIST-DC/COMPLAINT/WARR/CIVIL DISORDER,  
ASSAULTING, RESISTING OR IMPENDING CERTAIN Surr/Arrest Date: 12/8/2022 YOB: 2001Proceeding: Initial Appearance CJA Appt: \_\_\_\_\_Bond/PTD Held: ☐ Yes ☐ No Recommended Bond: \_\_\_\_\_

Bond Set at: \_\_\_\_\_ Co-signed by: \_\_\_\_\_

☐ Surrender and/or do not obtain passports/travel docsLanguage: English☐ Report to PTS as directed/or \_\_\_\_\_ x's a week/month by  
phone: \_\_\_\_\_ x's a week/month in personDisposition:  
- Dept advised of his rights  
& charges

Random urine testing by Pretrial

☐ Services

Treatment as deemed necessary

☐ Refrain from excessive use of alcohol☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses, except through counsel☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or

Curfew \_\_\_\_\_ pm to \_\_\_\_\_ am, paid by \_\_\_\_\_

☐ Allowances: Medical needs, court appearances, attorney visits,  
religious, employment☐ Travel extended to: \_\_\_\_\_☐ Other: \_\_\_\_\_- Temp PTD: Risk of  
Flight & Danger to the  
Community- Brady Order givenTime from today to \_\_\_\_\_ excluded  
from Speedy Trial Clock

NEXT COURT APPEARANCE Date: \_\_\_\_\_ Time: \_\_\_\_\_ Judge: \_\_\_\_\_ Place: \_\_\_\_\_

Report RE Counsel: 12/13PTD/Bond Hearing: 12/1310:00ReidyGwinPrelim/Arraign or Removal: 12/13

Status Conference RE:

D.A.R. 14:02:50 // 14:14:08Time in Court: 10 minutes

s/Lisette Marie Reid

Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 22-MJ-04089-Neil

UNITED STATES OF AMERICA,  
Plaintiff,

v.

NOTICE OF TEMPORARY  
APPEARANCE AS COUNSEL

Israel J. Easterday  
Defendant.

COMES NOW Michael Mirc and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance.

This appearance is made with the **understanding** that the undersigned counsel will fulfill any **obligations imposed** by the Court such as **preparing and filing documents** necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed): Michael Mirc

Counsel's Signature: 

Address (include City/State/Zip Code):

100 Discayne Blvd. Suite #1300  
Miami, FL 33132

Telephone: 305-~~400~~ 536-6177 Florida Bar Number: 119490

Date: 12/9/22

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 22-MJ-04089-Reid

UNITED STATES OF AMERICA,  
Plaintiff,

v.

NOTICE OF TEMPORARY  
APPEARANCE AS COUNSEL

Israel J. Easterday

Defendant.

/

COMES NOW Frank Schwartz and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance.

This appearance is made with the **understanding** that the undersigned counsel will fulfill any **obligations imposed** by the Court such as **preparing and filing documents** necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed): Frank Schwartz

Counsel's Signature: 

Address (include City/State/Zip Code):

100 Biscayne Blvd. Suite 1300  
Miami FL, 33132

Telephone: 305-389-5661

Florida Bar Number: 120250

Date: 12/9/2022

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 22-mj-04089-LMR**

**UNITED STATES OF AMERICA**

**v.**

**ISREAL EASTERDAY,**

**Defendant.**

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**ORDER OF DETENTION**

On December 13, 2022, this Court held a hearing pursuant to 18 U.S.C. § 3142(f) to determine whether Defendant Isreal Easterday (“Easterday”) should be detained pending trial.

Having considered the evidence presented at the pre-trial detention hearing, the pre-trial services report, and the factors enumerated in 18 U.S.C. § 3142(g), the Court finds by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure the safety of any other person and the community if Easterday is released on bond. Therefore, the Court orders the detention of Easterday prior to and until the conclusion of trial.

In accordance with the provisions of 18 U.S.C. 3142(i)(I), the Court makes the following findings of fact and statement of reasons for the detention:

1. The charges against Easterday are serious. Easterday is charged by criminal complaint with the following offenses: assaulting, resisting, or impeding an officer using a dangerous weapon or inflicting bodily injury in violation of 18 U.S.C. §§ 111(a)(1) and (b); civil disorder in violation of 18 U.S.C. § 231(a)(3); entering and remaining in a restricted building or grounds with a deadly or dangerous weapon in violation of 18 U.S.C. §§ 1752(a)(1) and (b)(1)(A); disorderly and disruptive conduct in a restricted building or grounds in violation of 18 U.S.C. § 1752(a)(2); engaging in physical violence in a restricted building or grounds in violation of 18

U.S.C. § 1752(a)(4); and disorderly conduct in a Capitol building in violation of 40 U.S.C. § 5104(e)(2)(D).

2. The weight of the government's evidence is substantial. The government proffered the following evidence at the detention hearing:

- a. Easterday participated in the riot at the United States Capitol on January 6, 2021. Specifically, Easterday was part of a group of rioters that attempted to breach the East Rotunda Door to the Capitol Building at a time when United States Capitol Police Officers, who were greatly outnumbered by the rioters, tried to prevent the rioters from breaching the Capitol.
- b. A publicly available video described by FBI Special Agent Andrew Martin shows that, during that confrontation, Easterday intentionally sprayed a Capitol Police officer with mace or some form of chemical irritant. The victim officer has previously testified, in another case, to the pain that this assault inflicted upon him while he was trying to perform his duties to protect the Capitol.
- c. Shortly after this incident, this group of rioters, including Easterday, succeeded in breaching the United States Capitol through the East Rotunda door.

3. If convicted, Easterday faces a significant amount of time in prison, with the government estimating a sentencing guideline range of 87 to 108 months, including anticipated enhancements.

4. In light of Easterday's documented intentional attack on a law enforcement officer protecting the United States Capitol with a chemical substance that caused him pain and irritation and his subsequent breach, with other rioters, of the United States Capitol notwithstanding efforts of Capitol Police Officers to protect the premises, the Court concludes that Easterday has exhibited

a callous disregard for the safety and well-being of law enforcement officers and the integrity of federal property. Accordingly, the Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community if Easterday is released on bond.

5. For these reasons, the Court hereby directs that:
  - a. Easterday be detained without bond;
  - b. Easterday be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal;
  - c. Easterday be afforded reasonable opportunity for private consultation with counsel; and
  - d. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Easterday is confined shall deliver him to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE AND ORDERED in Miami, Florida, this 15th day of December, 2022.

  
ALICIA M. OTAZO-REYES  
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record  
Pretrial Services  
U.S. Marshals Service



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No: 22-04089-MJ-REID

United States of America  
Plaintiff,

v.

Charging District's Case No. 1:22-mj-00264

Isreal James Easterday,  
Defendant.

**WAIVER OF RULE 5 & 5.1 REMOVAL/IDENTITY HEARINGS**

I understand that I have been charged in another district, the **District of Columbia**.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my rights to: **(check those that apply)**

- ☒ An identity hearing and production of the warrant.
- ☐ A preliminary hearing.
- ☐ A detention hearing in the Southern District of Florida.
- ☐ An identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled to in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 12/13/2022

Isreal Easterday

Defendant's Signature

Alicia M. Otazo-Reyes

Alicia M. Otazo-Reyes  
United States Magistrate Judge

**United States District Court  
Southern District of Florida**  
Case No. 22-04089-MJ-REID

UNITED STATES OF AMERICA,

v.

Charging District's Case No. 1:22-mj-00264

Isreal James Easterday,  
(USM# 07750-506)

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**COMMITMENT TO ANOTHER DISTRICT**


The defendant has been ordered to appear in the District of Columbia.

Frank Schwartz & Michael Mier (TEMPORARY) **was appointed to represent Defendant for proceedings in this District.**

The defendant remains in custody after the initial appearance in the Southern District of Florida.

**IT IS ORDERED** that the United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

**DONE AND ORDERED** at Miami, Florida on 12/13/2022.

  
Alicia M. Otazo-Reyes  
United States Magistrate Judge

## COURT MINUTES

Page 2

## Magistrate Judge Alicia M. Otazo-Reyes

Atkins Building Courthouse - 10th Floor

Date: 12/13/2022 Time: 10:00 a.m.

Defendant: Isreal James Easterday J#: 07750-506 Case #: 22-04089-MJ-REID

AUSA: Mike Thakur Attorney: Frank Schwartz & Michael Mier (Retained)Violation: WARR/COMPLAINT / DC/CIVIL DISORDER, ASSAULTING, RESISTING OR IMPENDING CERTAINProceeding: REMOVAL, REPORT RE: COUNSEL, PRETRIAL DETENTION CJA Appt: \_\_\_\_\_Bond/PTD Held: ☒ Yes ☐ No Recommended Bond: TEMPORARY PRETRIAL DETENTIONBond Set at: PTD - Danger only Co-signed by: \_\_\_\_\_☐ Surrender and/or do not obtain passports/travel/docsLanguage: English☐ Report to PTS as directed/or \_\_\_\_\_ x's a week/month by phone: \_\_\_\_\_ x's a week/month in person

Disposition:

\*Brady Order previously given.\*

☐ Random urine testing by Pretrial Services \_\_\_\_\_

Treatment as deemed necessary

☐ Refrain from excessive use of alcohol☐ Participate in mental health assessment & treatment☐ Maintain or seek full-time employment/education☐ No contact with victims/witnesses☐ No firearms☐ Not to encumber property☐ May not visit transportation establishments☐ Home Confinement/Electronic Monitoring and/or

Curfew \_\_\_\_\_ pm to \_\_\_\_\_ am, paid by \_\_\_\_\_

☐ Allowances: Medical needs, court appearances, attorney visits, religious, employment☐ Travel extended to: \_\_\_\_\_☐ Other: \_\_\_\_\_

Defense Counsel remains temp - for SADF only

- Def + waived removal + ordered removed to the District of Columbia

- PTD hearing held S/A FBI Andrew Martin sworn + testified Mark Detweiler sworn + testified

Time from today to \_\_\_\_\_ excluded from Speedy Trial Clock

NEXT COURT APPEARANCE

Date:

Time:

Judge:

Place:

Report RE Counsel: \_\_\_\_\_

PTD/Bond Hearing: \_\_\_\_\_

Prelim/Arraign or Removal: \_\_\_\_\_

Status Conference RE: \_\_\_\_\_

D.A.R. 10:11:47Time in Court: 1 hr 11 mins